

Allegheny County Department Of Court Records**Civil/Family Division Docket Report****Run Date and Time: 9/7/2022 - 9:22:47****GD-22-009997****Seaton vs Metten etal****Filing Date:****8/12/2022****Related Cases:****Consolidated Cases:****Judge:****No Judge****Amount In Dispute:****\$ 0****Case Type:****Motor Vehicle Accident****Court Type:****General Docket****Current Status:****Pracipe for Appearance****Jury Requested:****Y****--Parties--**

LName	FName	MI	Type	Address	Initial Service Completion	Attorney
Seaton	Michael		Plaintiff	1058 West 115th Street Chicago IL 60643	--	Anthony J. Giannetti
Mister P. Express Inc.			Defendant	801 Trey Street Jeffersonville IN 47130	--	John T Pion
Metten	Joseph	J.	Defendant	9465 Bellwood Road Bardstown KY 40004	--	--

--Attorney--

LName	FName	MI	Type	Address	Phone
Giannetti	Anthony	J.	Plaintiff's Attorney	Swartz Culleton PC 310 Grant Street Suite 715 Pittsburgh PA 15219	4122387610
Pion	John	T	Attorney		--

--Non Litigants--

LName	FName	MI	Type	Address
No Litigants Found				

EXHIBIT**A**

--Docket Entries--

Filing Date	Docket Type	Docket Text	Filing Party
8/16/2022	Praeipie for Appearance	On Behalf of Defendants	John Pion T
8/12/2022	Complaint		Anthony Giannetti J.

--Judgments Against--

Name	Amount	Satisfied(Y,N)
No Judgments Found		

--Events Schedule--

Event Scheduled	Event Date & Time	Room Number	Judge/Hearing Officer
No Information Found			

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL SEATON,

CIVIL DIVISION

Plaintiff,

No. GD-22-009997

v.

Issue No.

MISTER P EXPRESS, INC.;
and JOSEPH J. METTEN,

PRAECIPE FOR APPEARANCE

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. #43675
jpion@pionlaw.com

Brian L. Shepard, Esquire
PA I.D. #319322
bshepard@pionlaw.com

PION, NERONE, GIRMAN,
WINSLOW & SMITH, P.C.
420 Ft. Duquesne Blvd.
1500 One Gateway Center
Pittsburgh, PA 15222
412-281-2288

JURY TRIAL DEMANDED

No. GD-22-009997

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL SEATON,)	CIVIL DIVISION
)	
Plaintiff,)	No. GD-22-009997
)	
v.)	
)	
MISTER P EXPRESS, INC.;)	
and JOSEPH J. METTEN,)	
)	
Defendants.)	

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of the Defendants, MISTER P EXPRESS, INC.
and JOSEPH J. METTEN, regarding the above-referenced matter.

A JURY TRIAL IS DEMANDED.

PION, NERONE, GIRMAN,
WINSLOW & SMITH, P.C.

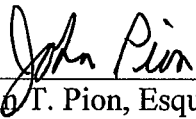
By John Pion
John T. Pion, Esquire
Brian L. Shepard, Esquire

420 Ft. Duquesne Blvd.
1500 One Gateway Center
Pittsburgh, PA 15222
412-281-2288

Counsel for Defendants

ATTORNEY CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



John T. Pion, Esquire

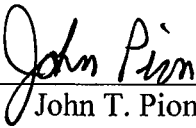
DATED: 8/16/22

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing Praecept for Appearance was served upon counsel of record via e-mail this 16th day of August, 2022, as follows:

Anthony J. Giannetti, Esquire
Adam D. Shorr, Esquire
Swartz Culleton PC
310 Grant Street, Suite 715
Pittsburgh, PA 15219
agiannetti@swartzculleton.com
ashorr@swartzculleton.com
(Counsel for Plaintiff)

PION, NERONE, GIRMAN,
WINSLOW & SMITH, P.C.

By _____
John T. Pion, Esquire
Brian L. Shepard, Esquire

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1500 One Gateway Center
Pittsburgh, PA 15222
412-281-2288

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL SEATON

Plaintiff,

v.

MISTER P EXPRESS, INC.;
JOSEPH J. METTEN

Defendant.

GD No.

COMPLAINT

Filed on behalf of Plaintiff
MICHAEL SEATON

Counsel of Record for this party:

ANTHONY J. GIANNETTI, ESQUIRE
Pa. Id. No. 318225
agiannetti@swartzculleton.com

ADAM D. SHORR, ESQUIRE
Pa. Id. No. 328007
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SWARTZ CULLETON PC
310 Grant Street, Suite 715
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412-238-7610
Fax: 412-200-7595

JURY TRIAL DEMANDED

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service
Allegheny County Bar Association
400 Koppers Building – 436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: 412-261-5555
Email: LRS@acba.org

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL SEATON,

Plaintiff,

v.

MISTER P EXPRESS, INC.;
JOSEPH J. METTEN,

Defendant.

GD No.

COMPLAINT

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

1. Plaintiff, Michael Seaton, is an adult individual and citizen of the State of Illinois, residing therein at 1058 West 115th Street, Chicago, Illinois 60643.

2. Defendant, Joseph J. Metten, is an adult individual and citizen of the Commonwealth of Kentucky, residing therein at 9465 Bellwood Road, Bardstown, Kentucky 40004.

3. Defendant, Mister P Express, Inc., was and is now a business entity, believed to be a business corporation, that regularly conducts business in Allegheny County, with a place of business located therein at 801 Trey Street, Jeffersonville, Indiana 47130

4. Venue is proper in Allegheny County because one or more of the Defendants regularly conducts business in Allegheny County.

5. At all times material herein, Mister P Express, Inc., acted by and through its agents, servants, employees, workmen and/or other representatives, including Defendant Joseph J. Metten, who were, in turn, acting within the course and scope of their employment, agency and/or service for the same.

6. At all times material herein, Defendants, Mister P Express Inc., and Joseph J. Metten, owned, leased, possessed, and/or maintained a certain tractor trailer, Indiana license plate #2701677Q which was involved in the motor vehicle accident hereinafter described.

7. At all times material herein, Plaintiff, Michael Seaton, owned, leased, possessed, and/or maintained a certain tractor trailer, Indiana license plate #2984137, which was involved in the motor vehicle accident hereinafter described.

8. On or about July 8, 2022, Plaintiff was stopped in the Flying J Travel Center parking lot in a parking stall legally parked at 122 Fitz Henry Road, Smithton, PA 15479.

9. On or about July 8, 2022, Defendant was also stopped in the aforesaid Flying J Travel Center parking in the parking stall adjacent to Plaintiff at 122 Fitz Henry Road, Smithton, PA 15479.

10. On or about July 8, 2022, at the time of the motor vehicle accident described herein, and while lawfully parked at the aforesaid location, Plaintiff was resting in an elevated sleeping bunk located inside his certain tractor trailer.

11. Suddenly and without warning, the aforesaid tractor trailer operated by Defendant, Joseph J. Metten, attempted to exit the parking stall whereby Defendant made a careless and/or otherwise improper left turn, thereby making violent front-end contact with Plaintiff's legally parked tractor trailer. As a result of this violent front-end contact caused solely and exclusively by Defendant, Plaintiff fell from his elevated sleeping position and suffered severe and permanent injuries as more fully described herein.

12. The aforementioned motor vehicle accident was caused solely and exclusively by reason of the negligence and carelessness of the Defendant, and was due in no manner to any act or failure to act on the part of Plaintiff.

COUNT I
MICHAEL SEATON v. MISTER P EXPRESS, INC.
NEGLIGENCE

13. Plaintiff hereby incorporates by reference paragraphs one (1) through twelve (12) of the within Complaint as though the same were fully set forth at length herein.

14. The aforesaid motor vehicle accident was caused solely by the carelessness and negligence of the Defendant, Mister P Express Inc., which consisted of the following:

- (a) failing to have the aforesaid tractor trailer under proper and adequate control at the time of the motor vehicle accident described herein;
- (b) operating the aforesaid tractor trailer in an unsafe and careless manner without due regard for the rights and safety of those lawfully upon the roadway, including the Plaintiff, Michael Seaton; more specifically, failing to bring the aforesaid tractor trailer to a stop prior to striking Plaintiff's vehicle, and otherwise failing to operate the aforesaid vehicle in a manner so as to avoid making contact with Plaintiff's vehicle;
- (c) failing to give proper and sufficient warning of the approach of the aforesaid tractor trailer;
- (d) failing to stop the aforesaid tractor trailer once it struck Plaintiff's vehicle;
- (e) failing to maintain a proper lookout upon the roadway;
- (f) failing to regard the point and position of other vehicles lawfully parked in the immediate vicinity, including the Plaintiff's vehicle;
- (g) failing to properly determine the distance between the two vehicles so as to avoid a dangerous collision of the type that seriously injured the Plaintiff;
- (h) operating a tractor trailer with disregard for the safety of other persons upon the roadway;
- (i) failing to prevent the aforesaid tractor trailer from striking Plaintiff's vehicle;

- (j) entrusting its aforesaid tractor trailer to Defendant, Joseph J. Metten, when his propensity for careless and/or negligent driving was or should have been known by Defendant;
- (k) failing to recognize prior instances of careless and/or negligent driving by its employees, such as Defendant Joseph J. Metten;
- (l) failing to recognize prior accidents of its employees, such as Defendant Joseph J. Metten;
- (m) failing to properly hire employees qualified to drive its vehicles;
- (n) failing to properly train, monitor and supervise its employees;
- (o) failing to properly train employees on proper driving safety;
- (p) otherwise failing to exercise due and proper care under the circumstances; and
- (q) violating various ordinances and statutes pertaining to the operation of motor vehicles, including, but not limited to, Pennsylvania Vehicle Code Section 3322.

15. By reason of the aforesaid negligence of the Defendant, Plaintiff, Michael Seaton, has suffered severe and permanent injuries, including, but not limited to, a torn rotator cuff requiring surgical repair, as well as aches, pains, mental anxiety and anguish, and a severe shock to his entire nervous system. Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of Defendant's negligence and has in the past and will in the future be unable to engage in his usual activities, all to his great detriment and loss.

16. As a further result of the motor vehicle accident described herein, Plaintiff has been or will be obliged to receive and undergo medical care and attention and to expend various sums of money and to incur various expenses for the injuries which he suffered, and he may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

17. As a further result of the motor vehicle accident described herein, Plaintiff has

suffered or may suffer a severe loss of his earnings and/or earning power, and he may incur such loss for an indefinite period in the future.

18. As a direct and reasonable result of the aforementioned motor vehicle accident, Plaintiff may hereafter incur other financial expenses or losses which do or may exceed the amounts which he may otherwise be entitled to recover under and pursuant to the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. §1701 et. seq. as amended, for which he claims damages herein.

19. Further, by reason of the aforesaid occurrence, Plaintiff has incurred and/or may hereinafter incur other financial expenses all in an effort to treat and cure himself of the injuries sustained in the aforesaid accident.

20. As a further result of the motor vehicle accident described herein, Plaintiff has or may have suffered injuries resulting in the permanent loss of a use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable, and severe.

21. As a further result of the motor vehicle accident described herein, Plaintiff has suffered a loss of the enjoyment of his usual duties, avocations, life's pleasures and activities, and the shortening of his life expectancy, all to his great detriment and loss.

22. As a further result of the aforesaid motor vehicle accident, Plaintiff has suffered great physical pain, suffering and mental anguish, all of which may continue into the future.

23. Plaintiff in no manner contributed to his injuries, which were the direct and proximate result of the Defendant's negligence and carelessness.

WHEREFORE, Plaintiff, Michael Seaton, demands judgment against Defendant, Mister P Express, Inc., in an amount in excess of \$50,000.00

COUNT II
MICHAEL SEATON v. JOSEPH J. METTEN
NEGLIGENCE

24. Plaintiff hereby incorporates by reference paragraphs one (1) through twenty-three (23) of the within Complaint as though the same were fully set forth at length herein.

25. The aforesaid motor vehicle accident was caused solely by the carelessness and negligence of the Defendant, Joseph J. Metten, which consisted of the following:

- (r) failing to have the aforesaid tractor trailer under proper and adequate control at the time of the motor vehicle accident described herein;
- (s) operating the aforesaid tractor trailer in an unsafe and careless manner without due regard for the rights and safety of those lawfully upon the roadway, including the Plaintiff; more specifically, failing to bring the aforesaid tractor trailer to a stop prior to striking Plaintiff's vehicle, and otherwise failing to operate the aforesaid vehicle in a manner so as to avoid making contact with Plaintiff's vehicle;
- (t) failing to give proper and sufficient warning of the approach of the aforesaid tractor trailer;
- (u) failing to stop the aforesaid tractor trailer once it struck Plaintiff's vehicle;
- (v) failing to maintain a proper lookout upon the roadway;
- (w) failing to regard the point and position of other vehicles lawfully parked in the immediate vicinity, including the Plaintiff's vehicle;
- (x) failing to properly determine the distance between the two vehicles so as to avoid a dangerous collision of the type that seriously injured the Plaintiff;
- (y) operating a tractor trailer with disregard for the safety of other persons upon the roadway;
- (z) failing to prevent the aforesaid tractor trailer from striking Plaintiff's vehicle; and
- (aa) violating various ordinances and statutes pertaining to the operation of motor vehicles, including, but not limited to, Pennsylvania Vehicle Code Section 3322.

26. By reason of the aforesaid negligence of the Defendant, Plaintiff, Michael Seaton, has suffered severe and permanent injuries, including, but not limited to, a torn rotator cuff requiring surgical repair, as well as aches, pains, mental anxiety and anguish, and a severe shock to his entire nervous system. Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of Defendant's negligence and has in the past and will in the future be unable to engage in his usual activities, all to his great detriment and loss.

27. As a further result of the motor vehicle accident described herein, Plaintiff has been or will be obliged to receive and undergo medical care and attention and to expend various sums of money and to incur various expenses for the injuries which he suffered, and he may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

28. As a further result of the motor vehicle accident described herein, Plaintiff has suffered or may suffer a severe loss of his earnings and/or earning power, and he may incur such loss for an indefinite period in the future.

29. As a direct and reasonable result of the aforementioned motor vehicle accident, Plaintiff may hereafter incur other financial expenses or losses which do or may exceed the amounts which he may otherwise be entitled to recover under and pursuant to the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. §1701 et. seq. as amended, for which he claims damages herein.

30. Further, by reason of the aforesaid occurrence, Plaintiff has incurred and/or may hereinafter incur other financial expenses all in an effort to treat and cure himself of the injuries sustained in the aforesaid accident.

31. As a further result of the motor vehicle accident described herein, Plaintiff has or

may have suffered injuries resulting in the permanent loss of a use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable, and severe.

32. As a further result of the motor vehicle accident described herein, Plaintiff has suffered a loss of the enjoyment of his usual duties, avocations, life's pleasures and activities, and the shortening of his life expectancy, all to his great detriment and loss.

33. As a further result of the aforesaid motor vehicle accident, Plaintiff has suffered great physical pain, suffering and mental anguish, all of which may continue into the future.

34. Plaintiff in no manner contributed to his injuries, which were the direct and proximate result of the Defendant's negligence and carelessness.

WHEREFORE, Plaintiff, Michael Seaton, demands judgment against Defendant, Joseph J. Metten, in an amount in excess of \$50,000.00.

Respectfully,

SWARTZ CULLETON PC

By: /s/ Adam Shorr
Adam D. Shorr, Esquire
Anthony J. Giannetti, Esquire
Attorneys for Plaintiffs

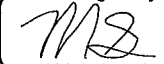
Date: August 12, 2022

VERIFICATION

Michael Seaton

I, _____, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

X

DocuSigned by:

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